

REMARKS

This application has been carefully reviewed in light of the Office Action dated December 8, 2009. Claims 1-7 and 9-12 are presented for examination, of which Claims 1, 7 and 9 are in independent form. Favorable reconsideration is respectfully requested.

Claims 1-3, 5, 7 and 9 were rejected under 35 U.S.C. §103(a) over U.S. Patent 6,972,863 (Parry) in view of U.S. Patent 6,208,436 (Cunningham). Claim 4 was rejected under 35 U.S.C. §103(a) over Parry, Cunningham, and alleged admitted prior art (AAPA); Claim 6 was rejected over Parry, Cunningham, and U.S. Patent 6,137,590 (Mori); and Claims 10-12 were rejected over Parry, Cunningham, and U.S. Patent 6,446,329 (Mukai). Applicant respectfully traverses the rejections and submits that the claims are distinguishable from the applied references for the following reasons.

The pending claims generally relate to processing and outputting of a document. An image on a document is read. The image contains image storage information representing a location where an original image of the document is stored. A user is authenticated by using authentication information. The original image of the document is searched from an image storage device which stores the original image of the document. The original image is searched on the basis of the image storage information when the user is authenticated. A destination is set for the original image of the document. In a first case the transmission of the original image of the document is set, and in a second case the transmission of the original image of the document is not set. In the first case, the destination for the original image of the document is automatically set in accordance with the authentication information. In the first case, the destination is set to an address of the

user authenticated and the set destination is different from the image processing apparatus. Moreover, in the first case, the destination is automatically set independently of a manual designation upon the authentication of the user and independent of the image on the document. In the second case, the destination for the original image of the document is manually set. The original image of the document searched is output to the set destination.

As currently amended, Claim 1 is directed to an image processing apparatus comprising read means, authentication means, search means, setting means, and output means. The read means are for reading an image on a document that contains image storage information representing a location where an original image of the document is stored. The authentication means are for authenticating a user by using authentication information. The search means are for searching the original image of the document from an image storage device which stores the original image of the document, on the basis of the image storage information when the user is authenticated by the authentication means. The setting means are for setting a destination for the original image of the document. In a first case where transmission of the original image of the document is set, the setting means automatically sets the destination for the original image of the document in accordance with the authentication information to an address of the user authenticated by the authentication means, the set destination being different from the image processing apparatus. In the first case the destination is automatically set independently of a manual designation upon the authentication of the user and independently of the image on the document. In a second case where transmission of the original image of the document is not set, the setting means manually sets the destination for the original image of the

document. The output means are for outputting the original image of the document searched by said search means to the destination set by the setting means.

Among other notable features of Claim 1 are the (1) authentication means for authenticating a user by using authentication information and the (2) setting means, which, in a first case where transmission of the original image of the document is set, automatically sets the destination for the original image of the document in accordance with the authentication information to an address of the user authenticated by the authentication means, the set destination being different from the image processing apparatus, and where, in the first case, the destination is automatically set independently of a manual designation upon the authentication of the user and independently of the image on the document. Moreover, in a second case where transmission of the original image of the document is not set, the setting means manually sets the destination for the original image of the document.

The Office Action concedes that Parry “does not disclose expressly setting a destination for the original image [impudent, sic independent] of a manual designation”, and cites to Cunningham as allegedly teaching “automatically setting a destination of an image, wherein the destination is automatically set independently of a manual designation upon the authentication of the user (col. 6, lines 21-36, an e-mail address can control can be used to indicate where the scanned image file is to be sent).” See, Office Action at page 4.

Nothing in has been found in Parry or Cunningham that would teach or suggest the authentication means and the setting means of Claim 1. Indeed, nothing has

been found in the cited portion of Cunningham that even teaches the setting of a destination based on an authentication of a user.

Applicants submit that a combination of Parry and Cunningham, assuming such combination would even be permissible, would fail to teach or suggest “authentication means for authenticating a user by using authentication information”, and “setting means for setting a destination for the original image of the document, wherein, in a first case where transmission of the original image of the document is set, the setting means automatically sets the destination for the original image of the document in accordance with the authentication information to an address of the user authenticated by said authentication means, the set destination being different from said image processing apparatus, wherein in the first case the destination is automatically set independently of a manual designation upon the authentication of the user and independently of the image on the document, and wherein in a second case where transmission of the original image of the document is not set, the setting means manually sets the destination for the original image of the document”, as recited in Claim 1. For at least these reasons, Claim 1 is believed to be allowable over Parry and Cunningham.

Independent Claims 7 and 9 include corresponding recitations and are believed to be patentable for at least the same reasons as discussed above in connection with Claim 1.

A review of the other art of record has failed to reveal anything which, in Applicant’s opinion, would remedy the deficiencies of the art discussed above, as a reference against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other claims in this application are each dependent from one or another of independent Claims 1, 7 and 9, and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

/ Christian Mannino/
Christian Mannino
Attorney for Applicants
Registration No.: 58,373

FITZPATRICK, CELLA, HARPER & SCINTO
1290 Avenue of the Americas
New York, New York 10104-3800
Facsimile: (212) 218-2200

FCHS_WS 4935516v1